

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

03-MDL-1570 (GBD)(SN)

In Re:

TERROR ATTACKS ON
SEPTEMBER 11, 2001

**NOTICE OF AMENDMENT
AS TO THE TALIBAN AND
MUHAMMAD OMAR**

X

This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN)

Bauer, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-7236 (GBD)(SN)

Plaintiffs identified herein file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, in a form similar to notices previously permitted and approved by this Court in its December 1, 2020 Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment as to Sudan, ECF No. 6547, and October 28, 2019 Amended Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment addressing claims against the Kingdom of Saudi Arabia (“KSA”) and the Islamic Republic of Iran (“Iran”), ECF No. 5234.¹ Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the “New Plaintiffs”) as plaintiffs raising claims against the Taliban and Muhammad Omar.

The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the *Ashton* Plaintiffs First Amended Complaint, No. 02-6977, ECF No. 2 (hereinafter “*Ashton* First Amended Complaint”), as well as all causes of action and all subsequent amendments thereto. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint.

¹ The Order of October 28, 2019 (ECF 5234) approving notices to conform, short form complaints and notices of amendment supersedes all previous Orders addressing procedures established by the Court for filing new claims or amending those brought against defendants including the Court’s July 10, 2018 Amended Order filed at ECF 4045.

This Notice of Amendment relates solely to the Taliban and Muhammad Omar and does not apply to any other defendant.

Upon filing this Taliban Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with the complaint; and all prior Orders and rulings of the Court in connection with that complaint, including the default judgment entered by this Court on May 12, 2006, ECF 1797, which specifically identifies the Taliban and Muhammad Omar in Exhibit B filed at ECF 1782-5, April 27, 2006.

Additionally, each New Plaintiff incorporates the factual allegations and findings contained in the pleadings and orders filed at *Havlish v. Bin Laden*, No. 1:03-CVC-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295, 316; *In re Terrorist Attacks on September 11, 2001*, 03-MDL-1570 (GBD)(SN)(S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011.

CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference, the factual allegations, jurisdictional allegations, and jury trial demand in the following complaints:

- *Ashton* First Amended Complaint, No. 02-6977, ECF No. 2.

IDENTIFICATION OF NEW PLAINTIFFS

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

| | New Plaintiff's Name (alphabetical by last name) | New Plaintiff's State of Residency at Filing (or death) | New Plaintiff's Citizenship/ Nationality on 9/11/2001 | 9/11 Decedent's Name | New Plaintiff's Relationship to 9/11 Decedent | Paragraphs of Complaint Discussing 9/11 Decedent |
|----|--|---|---|----------------------|---|--|
| 1 | Kane, Lori | New Jersey | U.S. Citizen | Howard Kane | Wife | <i>Bauer</i> action ² Paragraph 53 |
| 2 | Kane, Rochelle | New Jersey | U.S. Citizen | Howard Kane | Mother | <i>Bauer</i> action Paragraph 53 |
| 3 | Keller, Joseph D. | New Jersey | U.S. Citizen | Joseph J. Keller | Son | <i>Bauer</i> action Paragraph 36 |
| 4 | Keller, Sydnie R. | New Jersey | U.S. Citizen | Joseph J. Keller | Daughter | <i>Bauer</i> action Paragraph 36 |
| 5 | Keller, Rose | New Jersey | U.S. Citizen | Joseph J. Keller | Wife | <i>Bauer</i> action Paragraph 36 |
| 6 | Kelly, Phyllis | New Jersey | U.S. Citizen | Salvatore Zisa | Sister | <i>Bauer</i> action Paragraph 36 |
| 7 | Lewis, Arthur | Connecticut | U.S. Citizen | Adam J. Lewis | Son | <i>York</i> action ³ Paragraph 7 |
| 8 | Lewis, Caroline | Connecticut | U.S. Citizen | Adam J. Lewis | Daughter | <i>York</i> action Paragraph 7 |
| 9 | Lewis, Geraldine | Connecticut | U.S. Citizen | Adam J. Lewis | Mother | <i>York</i> action Paragraph 7 |
| 10 | Lewis, Patricia D. | Connecticut | U.S. Citizen | Adam J. Lewis | Wife | <i>York</i> action Paragraph 7 |
| 11 | Lewis, Reilly | Connecticut | U.S. Citizen | Adam J. Lewis | Daughter | <i>York</i> action Paragraph 7 |
| 12 | Lewis, Sophia | Connecticut | U.S. Citizen | Adam J. Lewis | Daughter | <i>York</i> action Paragraph 7 |
| 13 | Lutz, Jennifer | North Carolina | U.S. Citizen | Joseph J. Keller | Sister | <i>Bauer</i> action Paragraph 36 |
| 14 | MacRae, Ann B. | New York | U.S. Citizen | Catherine F. MacRae | Mother | <i>Bauer</i> action Paragraph 31 |
| 15 | MacRae, Ann C. | New York | U.S. Citizen | Catherine F. MacRae | Sister | <i>Bauer</i> action Paragraph 31 |
| 16 | MacRae, III, Cameron F. | New York | U.S. Citizen | Catherine F. MacRae | Father | <i>Bauer</i> action Paragraph 31 |
| 17 | Magee, Mary Beth | Utah | U.S. Citizen | Thomas M. Brennan | Sister | <i>Bauer</i> action Paragraph 45 |
| 18 | Magnuson, Audrey | New Jersey | U.S. Citizen | Ronald E. Magnuson | Wife | <i>Bauer</i> action Paragraph 20 |

²*Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

³*York, et al. v. al Qaeda Islamic Army, et al.*, Case No. 03-cv-5493 (GBD)(SN), herein referred to as *York* action, was voluntarily dismissed by the plaintiffs on March 22, 2004, because it was “duplicative” of claims in the *Ashton* action third and fourth complaints, ECF No. 66.

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|----|------------------------|-------------|--------------|--------------------|----------|----------------------------------|
| 19 | Magnuson, Jeffrey | New Jersey | U.S. Citizen | Ronald E. Magnuson | Son | <i>Bauer action Paragraph 20</i> |
| 20 | Magnuson, Knut | Connecticut | U.S. Citizen | Ronald E. Magnuson | Brother | <i>Bauer action Paragraph 20</i> |
| 21 | Magnuson, Sheryl | New Jersey | U.S. Citizen | Ronald E. Magnuson | Daughter | <i>Bauer action Paragraph 20</i> |
| 22 | Maher, Est. of Jeanne | New York | U.S. Citizen | Daniel L. Maher | Mother | <i>Bauer action Paragraph 17</i> |
| 23 | Maher, James | Florida | U.S. Citizen | Daniel L. Maher | Brother | <i>Bauer action Paragraph 17</i> |
| 24 | Maher, Est. of Raymond | Texas | U.S. Citizen | Daniel L. Maher | Brother | <i>Bauer action Paragraph 17</i> |
| 25 | Marasciulo, Maria | New Jersey | U.S. Citizen | Michael Tanner | Sister | <i>Bauer action Paragraph 25</i> |

Dated: April 11, 2022

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

/s/ Dorothea M. Capone
 COUNSEL FOR PLAINTIFFS
 140 Broadway, 46th Floor
 New York, NY 10005
 Phone: (212) 363-1200
 Email: tcapone@baumeisterlaw.com